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1 APPEARANCES (Cont'd.):

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1 (In open court.)

2 (Clerk places telephone call.)

3 THE CLERK: Okay. 18 C 7686, In re Lion Air
4 Flight JT 610.

5 THE COURT: All right. Good morning.

6 MULTIPLE COUNSEL: Good morning, your Honor.

7 MULTIPLE COUNSEL: Good morning, Judge.

8 THE COURT: We have people, I think, on the phone.

9 THE CLERK: Should be.

10 THE COURT: And unless someone on the phone is going
11 to do any speaking, it's going to be easier, I think, for
12 liaison counsel simply to later canvass people who are on the
13 phone so their presence can be noted on the transcript. But
14 having them all identify themselves, unless they're going to
15 speak, is unnecessary.

16 And I'll ask liaison counsel simply to contact my
17 courtroom -- or court reporter to let her know who is on the
18 phone.

19 And on identifying people in court, again, you can
20 sign in and let --

21 COURT REPORTER: We don't have a sign-in sheet for
22 this one.

23 THE COURT: All right. I'm going to have liaison
24 counsel again list out anybody who is in court who is not going
25 to be speaking. I just really need to hear people identify

1 themselves if they have some comments they need to make.

2 I hope not all of you are going to be speaking.

3 (Laughter.)

4 THE COURT: So let's start first with plaintiffs'
5 counsel who anticipate answering my very limited questions
6 today. Go ahead.

7 MR. MARKS: Your Honor, Steve Marks with Podhurst
8 Orseck on behalf of some of the plaintiffs.

9 MR. KABATECK: Good morning, your Honor. Brian
10 Kabateck, also appearing on behalf of some of the plaintiffs.

11 MR. HART: Steven Hart -- Hart, McLaughlin &
12 Eldridge -- for 11 victims of the crash, your Honor.

13 MR. DEMETRIO: Good morning, Judge Durkin. Mike
14 Demetrio, Corboy and Demetrio, on behalf of plaintiff.

15 MR. ROUTH: Good morning, your Honor. Tom Routh,
16 R-O-U-T-H, of the Nolan Law Group on behalf of certain
17 plaintiffs.

18 THE COURT: Anybody else for plaintiffs that
19 anticipates having anything to say today? Your presence will
20 be noted, though, on the transcript otherwise.

21 MR. BARTLETT: Good morning, your Honor. Austin
22 Bartlett on behalf of certain plaintiffs.

23 THE COURT: Okay.

24 MR. HERRMANN: And, your Honor, Charles Herrmann. I'm
25 here on behalf of 24 decedents.

1 THE COURT: Okay.

2 MR. MARKS: Your Honor, may I just correct one thing?

3 We don't have a liaison counsel appointed in this matter.

4 We've been working together --

5 THE COURT: I see Mr. Hart, and I have another case

6 coming up at 9:30 where he is liaison counsel. You can all

7 designate --

8 MR. HART: I'm happy to send out a list, your Honor.

9 THE COURT: Yeah. Why don't you do that --

10 MR. HART: I will.

11 THE COURT: -- if you can, Mr. Hart. I appreciate it.

12 Confusing you with the next case I have, which has many liaison
13 counsels.

14 All right. Let's hear from defendants.

15 MR. SHULTZ: Your Honor, Mack Shultz and Dan Burley on
16 behalf of The Boeing Company.

17 THE COURT: Okay. I had you in for a very limited
18 purpose today. You obviously filed your status report -- or
19 your joint case management report on May 17th, indicating a
20 willingness of the parties to try and settle this case,
21 negotiate a settlement.

22 And you have a schedule set there for a -- today's
23 status conference, a deadline for plaintiffs to produce damage
24 discovery of June 30th, a first mediation session of July 17th
25 before Judge O'Connell, and then a deadline for Boeing to file

1 its motion to dismiss, presumably on *forum non conveniens*
2 grounds, ten days following any impasse in the mediation and
3 then a status conference 14 days after such an impasse.

4 My first question is, are there any more cases that
5 you anticipate being filed by any of the families of the
6 decedents in either state or federal court in the United
7 States?

8 MR. ROUTH: Your Honor, Tom Routh from the Nolan Law
9 Group.

10 We anticipate filing additional cases here in the
11 federal district court.

12 THE COURT: All right. And are those cases going to
13 be wrapped into the mediation session?

14 MR. ROUTH: We are going to attempt to do that. Yes,
15 your Honor.

16 THE COURT: Okay.

17 MR. BARTLETT: Your Honor, Austin Bartlett.

18 Also we will be filing I think three additional cases,
19 which we will also roll into the same mediation.

20 THE COURT: All right. Any other cases anticipated to
21 be filed here in state or federal court?

22 MR. HART: Yes, your Honor.

23 MR. HERRMANN: Charles Herrmann.

24 We anticipate five more.

25 THE COURT: Okay.

1 MR. HART: We have several more too, your Honor.

2 THE COURT: All right.

3 MR. MARKS: And so does the Podhurst firm.

4 THE COURT: Okay.

5 MR. SHULTZ: And, your Honor, not to further confuse
6 the issue, a new case was filed on Tuesday in Cook County by an
7 attorney who is not present in these cases yet.

8 He has asked to participate in the mediations. I was
9 going to put him in touch with Mr. Marks to coordinate that.

10 THE COURT: Okay. And you're going to remove the case
11 presumably --

12 MR. SHULTZ: We will --

13 THE COURT: -- if you don't settle it.

14 MR. SHULTZ: We will remove the case once we're
15 served.

16 THE COURT: Okay. All right.

17 Are there cases filed in -- overseas at all on this,
18 or is it -- everything been filed here?

19 MR. MARKS: Everything --

20 MR. HART: In the United States.

21 MR. MARKS: -- here, your Honor.

22 THE COURT: Okay. And any suits outside of the --
23 Cook County or in the Northern District of Illinois?

24 MR. KABATECK: Not that we're aware of.

25 MR. MARKS: No.

1 MR. HART: No, your Honor.

2 THE COURT: Okay. All right.

3 Does that cover everyone who passed away in the air
4 crash, or are there still likely people out there who have not
5 gotten representation who may be filing?

6 MR. MARKS: There are still unrepresented individuals.

7 THE COURT: Okay. Well, how do you intend, if at all,
8 to account for that, with the anticipation they're likely to
9 get involved in the case?

10 I don't want the -- Judge O'Connell's mediation to go
11 forward and settle with some and not all if that's -- if it
12 settles. Is there any way you can account for that? Or
13 anticipate that.

14 MR. HART: Many of the victims are unrepresented. And
15 so it's --

16 THE COURT: Still?

17 MR. HART: -- it's very difficult to account for them,
18 your Honor.

19 THE COURT: All right.

20 MR. HART: There's other groups of victims that are
21 subject to a release and settlement with some of the parties.

22 So, you know, these are individual matters. What
23 we're going to be negotiating are cases and mediating them
24 individually. So it's very difficult to try to predict a
25 global outcome, although I'm sure that is what everybody would

1 like to see happen.

2 THE COURT: All right. Well, what is the status of
3 damage discovery?

4 MR. MARKS: We're on a rolling production to Boeing.

5 THE COURT: Okay.

6 MR. HART: Boeing has issued a set of damage discovery
7 to the plaintiffs. We've all agreed to provide responses to
8 that written discovery before the mediation and use that as a
9 framework to negotiate the cases.

10 THE COURT: All right. Do you have a schedule with
11 Judge O'Connell? Have you set up dates with him?

12 MULTIPLE COUNSEL: Yes, we have.

13 MR. MARKS: We have. We have.

14 THE COURT: When is that?

15 MR. MARKS: We have two sets of dates. We have
16 July 17th, 18th, and 19th and then July 22nd and 23rd; and then
17 a second round in August: 19th, 20th, 21st, 22nd. Hopefully
18 that will be enough time.

19 The first group, we'll get some insight as to whether
20 or not we're going to have success, hopefully narrow the
21 discussions and, with a second round, hopefully have final
22 success.

23 THE COURT: Okay. All right.

24 Well, it looks like, though, anybody who is not -- you
25 have clients that have -- where you haven't filed suit yet, but

1 you're going to try and roll them into this settlement
2 discussions.

3 MR. MARKS: Absolutely.

4 MULTIPLE COUNSEL: Correct.

5 THE COURT: Okay. All right.

6 And I -- if it settles, I assume there will be a
7 structure of some kind where possibly other parties that come
8 in the case later may be able to take advantage of that
9 structure in an attempt to settle too.

10 It's up to Boeing, of course, and to the plaintiffs
11 themselves. But that's often how sometimes cases like this get
12 resolved.

13 So all right. Well, is there anything else to report?

14 MR. HART: I suggest that we report back to the Court
15 after the last settlement conference date and advise the Court
16 as to the status and, if it's appropriate, set a status date at
17 that time.

18 THE COURT: Yeah. We'll set it either for late August
19 or early September.

20 MR. MARKS: I think early September would be better.

21 THE COURT: All right.

22 THE CLERK: Early September? Do you want to come back
23 maybe on the 6th? It's a Friday. Does that work? Or would
24 you rather do a different day?

25 MR. MARKS: How about the following week.

1 THE CLERK: How about the 10th.

2 MR. MARKS: Perfect.

3 MR. HART: That's fine, your Honor.

4 MR. MARKS: That's perfect.

5 THE CLERK: That's all right?

6 THE COURT: All right. Is there anyone on the phone
7 that needs to add to anything that we've already discussed?
8 And, if so, you've got to state your name first.

9 (No response.)

10 THE COURT: Okay. And contact Mr. Hart if you're on
11 the phone so that he can be aware of who was there so your name
12 is reflected on the transcript as being present.

13 Anything else? First from Boeing.

14 MR. SHULTZ: No, your Honor.

15 THE COURT: All right. And from any of the
16 plaintiffs' counsel.

17 MULTIPLE COUNSEL: No, your Honor.

18 THE COURT: All right. Thanks for coming in. And
19 we'll see you in September. Good luck.

20 MULTIPLE COUNSEL: Thank you, your Honor.

21 MULTIPLE COUNSEL: Thank you very much.

22 (Concluded at 9:16 a.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the
record of proceedings in the above-entitled matter.

/s/ LAURA R. RENKE

July 30, 2019

LAURA R. RENKE, CSR, RDR, CRR
Official Court Reporter